

Appl. No. 10/787,171  
Amendment dated March 3, 2006  
Reply to Office Action of November 7, 2005

### REMARKS

In the November 7, 2005 Office Action, claims 1-20 stand rejected in view of prior art. In the November 7, 2005 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the November 7, 2005 Office Action and February 2, 2006 Advisory Action, Applicants have amended the specification and claims 1 and 13 as indicated above. Further, Applicants have added claim 21. Thus, claims 1-21 are pending, with claims 1, 13, and 21 being the only independent claims. Applicants wish to thank the Examiner for his explanation relating to the prior art in the February 2, 2006 Advisory Action. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *Information Disclosure Statement*

In item 2 of the Office Action, it was indicated that the information disclosure statement filed on September 22, 2005 failed to comply with 37 C.F.R. §1.98(a)(2) because the cited foreign patent document was not included.

Since the cited foreign patent document, Japanese Patent Application Publication H1-46746, is equivalent to U.S. Patent No. 4,530,673, which was considered, Applicants respectfully assert that the obligation of their duty of disclosure has been met.

Applicants wish to thank the Examiner for taking the time to explain the deficiency in the aforementioned September 22, 2005 Information Disclosure Statement.

#### *Rejections - 35 U.S.C. § 102*

In item 3 of the Office Action, claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,138,011 (Stromberg). In response, Applicants have

Appl. No. 10/787,171  
Amendment dated March 3, 2006  
Reply to Office Action of November 7, 2005

amended independent claims 1 and 13 to define clearly the present invention over the prior art of record.

In particular, independent claim 1 has been amended to recite that the second rotating member is arranged on both axial sides of the first rotating member. Further, claim 13 has similarly been amended to recite that the second disk member is arranged on both axial sides of the first disk member. Moreover, both claims 1 and 13 have been amended to recite that the first rotating member or first disk member is axially movably and unrotatably attached to a piston.

As seen in Figure 1 of Stromberg, Stromberg discloses a second rotating member or disk member 7 that is fixed to a hub but is not arranged on both axial sides of the first rotating member or disk 10.

Further, it was stated in the February 2, 2006 Advisory Action that the changes in the Amendment submitted January 25, 2006 appeared to be obvious in view of the prior art, with attention given to U.S. Patent No. 4,190,142 (Berlioux). In response, Applicants have amended claims 1 and 13 to recite that the first rotating member or first disk member is axially movably and unrotatably attached to a piston. As seen in Figure 2 of Berlioux, Berlioux fails to disclose this feature.

Clearly, this structure is *not* disclosed or suggested by Stromberg or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 13, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 13, and therefore are

Appl. No. 10/787,171  
Amendment dated March 3, 2006  
Reply to Office Action of November 7, 2005

allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate independent claims 1 and 13, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

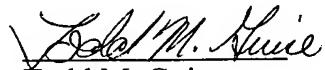
*New Claim - 21*

Applicants have added claim 21. Claim 21 is similar to original claim 1 except it recites that the first rotating member is axially movably and unrotatably attached to a piston. Examination and consideration are respectfully requested.

\* \* \*

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-21 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
Todd M. Guise  
Reg. No. 46,748

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: 3/3/06  
G:\02-Feb06-NATED-US030151 Amendment.doc